

REMARKS

Claims 1-48 are pending. Claims 1 and 25 have been amended to clarify the subject matter. No new matter has been added. In view of the above amendments and the comments below, Applicants respectfully request withdrawal of the rejections and objections of the claims and allowance of the application.

Claim Rejections – 35 USC §102

Claims 1-2, 19-24, 25-26 and 43-48 have been rejected under 35 USC 102(e) as being anticipated by Uchida (US 6,618,596). According to the Office Action:

Regarding claim 1, Uchida discloses a method of transmitting data to a wireless mobile device (abstract, fig. 1), said method comprising:

a) determining at least one of speed, location or direction information for a mobile device (abstract, fig. 1, 4, col. 4 line 49 thru col. 4 line 40);

b) using said at least one of speed, location or direction information as a parameter to control a data rate for signal transmission from one or more base stations of a wireless system servicing said mobile device (abstract, fig. 1, 4, col. 1, line 50 thru col. 4 line 40).

Claim 1 recites a method of transmitting data to a wireless mobile device that includes determining at least one of speed, location or direction information for a mobile device. To clarify the subject matter, claim 1 has been amended to recite using “said speed and” at least one of location or direction information as a parameter to control a data rate for signal transmission from one or more base stations of a wireless system servicing said mobile device. In other words, the method uses speed **and** at least one of location **or** direction information as a parameter. Applicants respectfully assert that Uchida fails to teach or suggest this feature of the claimed invention.

The office action refers to col. 1 line 50 thru col. 4 line 40 as disclosing the use of speed, location and position as a parameter to control data rate. We respectfully disagree. Uchida mentions changing the data transfer rate in accordance with the moving speed of a mobile terminal. Although Uchida discloses a means for measuring the current position of the mobile terminal (see col. 4, lines 1-7), however, it fails to mention using the position information to control a data rate as recited in amended claim 1 of the present invention. Thus, claim 1 is not taught or suggested by Uchida for at least these reasons. Dependent claims 2 and 19-24 should be allowable for at least the same reasons as independent claim 1.

Claim 25 has been amended in a manner similar to amended claim 1. Claim 25 should be allowable for at least the same reasons as claim 1 above. In addition, dependent claims 26 and 43-48 should be allowable for at least the same reasons as independent claim 25.

In light of the above comments, Applicants respectfully submit that claims 1-2, 19-24, 25-26 and 43-48 are not anticipated by Uchida for at least the above reasons.

Claim Rejections – 35 USC §103

Claims 3-18 and 27-42 have been rejected under 35 USC 103(a) as being unpatentable over Uchida in view of Ejzak et al. (6,618,596).

As explained above, Applicants believe that Uchida fails to teach or suggest independent claims 1 and 25 of the present invention. In addition, none of the cited references, including Ejzak, or any combination thereof teach or suggest respective

dependent claims 3-18 and 27-42 or any claims of the present invention, for at least the same reasons mentioned above with respect to claims 1 and 25.

Request for Reconsideration pursuant to 37 CFR 1.111

Having responded to each and every ground for objection and rejection in the Office Action mailed on May 19, 2004, Applicants request reconsideration in the instant application pursuant to 37 CFR 1.111 and request that the Examiner allow claims 1-48 and pass the application to issue. If there is any point requiring further attention prior to allowance, the Examiner is asked to contact Applicants' counsel who can be reached at the telephone number listed below.

Respectfully,

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